

PROTOCOL

establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 October 1986 to 28 February 1988

THE PARTIES TO THIS PROTOCOL,

2. The compensation shall be paid into the account of the Treasurer-General of Senegal.

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979 and amended by the Agreement signed on 21 January 1982 and by the Agreement signed on 20 November 1985,

HAVE AGREED AS FOLLOWS:

Article 1

For the period from 1 October 1986 to 28 February 1988, the limits referred to in Article 4 of the abovementioned Agreement shall be set as follows:

1. Tuna boats obliged to land their entire catch in Senegal: 3 000 grt
 2. Wet trawlers:
 - (a) obliged to land their entire catch in Senegal: 1 000 grt
 - (b) not obliged to land their entire catch in Senegal: —
 3. Tuna boats not obliged to land their entire catch in Senegal: 23 300 grt
 4. Freezer trawlers not obliged to land their entire catch in Senegal: 8 000 grt
- of which:
- (a) per month for the duration of this Protocol: 6 000 grt
 - (b) for four months a year: 6 000 grt above the tonnage referred to in point (a)

Article 2

1. The financial compensation referred to in Article 9 of the Agreement shall be CFA 1 700 million for the period referred to in Article 1.

Article 3

At the request of the Community, the fishing rights referred to in Article 1 (2), (4) (a) and (4) (b) of this Protocol may be increased to 1 500 grt, 7 000 grt and 7 000 grt respectively. In this case, the financial compensation referred to in Article 2 shall be increased proportionately on the basis of the period involved.

Article 4

The Community shall in addition contribute CFA 90 million towards the financing of a Senegalese scientific programme.

This sum shall be put at the disposal of the Centre for Oceanographic Research of Dakar-Thiaroye (CRODT), which comes under the Senegalese Institute for Agricultural Research (ISRA). The Senegalese authorities concerned shall send the Commission a summary report on the use made of this sum.

Article 5

1. The two Parties agree that an essential condition for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community shall make it easier for nationals of Senegal to find places in establishments in its Member States and shall provide for that purpose, during the period referred to in Article 1, ten study and training grants of a maximum duration of five years in the various scientific, technical and economic subjects connected with fisheries.

2. Point D of Annex I to the Agreement, 'Training grants and scientific programme' is hereby repealed.

Article 6

1. During the period from 1 March 1987 until 28 February 1988, the limits laid down in Article 1 of this Protocol shall be increased by:

- (a) 500 grt for tuna boats obliged to land their entire catch in Senegal;

- (b) 6 000 grt for wet trawlers not obliged to land their entire catch in Senegal;
- (c) 33 500 grt for tuna boats not obliged to land their entire catch in Senegal;
- (d) 10 000 grt for freezer trawlers not obliged to land their entire catch in Senegal.

2. During this period, the limits for surface longliners shall be set at 1 200 grt.

Article 7

1. The wet trawlers referred to in Article 6 (1) (b) above, and the shrimp-fishing freezer trawlers referred to in paragraph 1 (d) of the same Article, shall be authorized to fish outside the limit of the first 12 nautical miles of the waters under Senegalese jurisdiction north of latitude 14° 27' 00" N and outside the limit of the first 25 nautical miles of the waters under Senegalese jurisdiction south of latitude 14° 27' 00" N.

2. The longliners referred to in Article 6 (2) shall be authorized to operate in the zone delimited as follows:

- outside the first 15 nautical miles north of latitude 14° 45' 00" N.
- outside the first 25 nautical miles south of latitude 14° 45' 00" N.

Article 8

In return for the increase in the fishing rights referred to in Article 6, the financial compensation paid by the Community for the period specified in that Article shall be CFA 1 550 million.

Article 9

The licences shall be valid for the entire period laid down in Article 1. However, licences issued for the vessels referred to in paragraph 4 (b) of that Article are valid for only four months, and those issued under Article 6, for 12 months.

Article 10

Each Community vessel intending to fish in Senegal's fishing zone shall inform the radio station of the 'Projet de Protection et Surveillance des Pêches du Sénégal' (PSPS — Senegal Fisheries Protection and Surveillance Project) each time it enters or leaves the zone. Shipowners shall be notified of the call sign of the fishing licence. Any vessel found to be fishing without having informed the PSPS of its presence shall be considered to be fishing without a licence.

Article 11

By way of derogation from Article 8 of the Agreement and Annex I to the Agreement:

1. Article 8 (1) of the Agreement shall not apply to wet trawlers.

2. Paragraph A 1.6 shall read as follows:

The fees shall be set according to the following scale:

(a) trawlers landing their entire catch:

CFA 16 250 per grt per year for shrimp boats;

CFA 15 000 per grt per year for other trawlers;

(b) trawlers not landing their entire catch and fishing throughout the year:

CFAF 32 500 per grt per year for shrimp boats;

CFAF 27 500 per grt per year for other trawlers;

(c) trawlers not landing their entire catch and fishing for a period of four months determined for each vessel on the basis of an overall fishing plan presented by the Community to the Senegalese Government every six months:

CFA 20 000 per grt.

(d) in the case of licences issued under Article 6 of the Protocol, the fees shall be fixed in proportion to the length of the period of validity of the licences.

3. Paragraphs A 1.6 (d) and (e) are hereby replaced by the following paragraphs A 1.7:

(a) tuna boats and longliners landing their entire catch:

CFA 2 per kilogram of fish caught;

(b) tuna boats and longliners not landing their entire catch:

CFA 7 per kilogram of fish caught;

(c) the licences referred to under (b) shall be issued on payment of a fixed sum of CFA 350 000 per vessel to the State Secretariat for Sea Fisheries as an advance on the fees, corresponding to 50 tonnes of tuna or swordfish caught by tuna seiner or longliner per year.

A provisional statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities upon the expiry of this Protocol, on the basis of the catch statements made by each shipowner and forwarded simultaneously to the Senegalese authorities and the Commission departments responsible. The fixed amount in respect of these fees shall be paid by each shipowner to the Office of the Secretary of State for fisheries no later than 31 December 1987.

The final statement of the fees due shall be drawn up by the Commisison following verification of the volume of catch by the CRODT. The final statement shall be communicated to the Senegalese authorities and notified to the shipowners, who shall have 30 days to discharge their financial obligations.

However, if the amount of the final statement is lower than the abovementioned advance, the resulting balance shall not be reimbursable.

4. The following shall be added to paragraph C 1 :

'In the case of wet tuna boats, the target set by the two parties shall be to land a minimum quantity of 3 500 tonnes of tuna a year in Senegal's ports from 1 March 1987.

If during the fishing year, the total landings by the fleet concerned fall short of this minimum amount, as a result of an unforeseeable change in the state of the fish stocks or the structure of the said fleet, the two parties shall consult each other without delay in order to determine and ensure implementation of the action required to reach the said amount.'

5. Paragraph C 2 shall read as follows :

'Freezer tuna boats shall land 11 000 tonnes of tuna a year from 1 March 1987 at the international price in force and in accordance with a programme to be determined by common accord between Community shipowners and Senegalese canners. In the event of disagreement on the timetable for landings, the Joint Committee referred to in Article 11 of the Agreement shall hold a special meeting at the request of one of the parties.

During the first phase of the period of application of this Protocol, from 1 October 1986 to 28 February 1987, the freezer tuna boats shall be obliged to land at

least 1 833 tonnes of tuna at the international price in force.'

6. Paragraph C 3 shall read as follows :

'Freezer trawlers shall land 130 kilograms of fish and crustaceans per grt per six months. Any failure to comply with the obligation to land catches shall render the shipowner liable to the following penalties imposed by the Senegalese authorities :

- fine of CFA 300 000 per tonne not landed,
- withdrawal of the licence (which will not be renewed) for the vessels concerned or another vessel operating under the same shipowner.

In order to guarantee payment of the fine, the licence shall be issued subject to the lodging of a banker's guarantee in Senegal of CFA 39 000 per grt per six months.'

Article 12

Should the Community fail to make the payments provided for in Articles 2, 4, 5 and 8 of this Protocol, the Agreement on fishing shall be suspended.

Article 13

Until the expiry of the Fisheries Agreement concluded between the Government of the Kingdom of Spain and the Government of the Republic of Senegal, which has been administered by the Community since 1 January 1986, the rights and obligations arising from that Agreement shall not be affected by this Protocol.

Article 14

This Protocol shall enter into force on the date of its signature.

It shall apply from 1 October 1986 until 28 February 1988.